

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1, 6, 11, 16, 18, and 22 are amended, claims 20-21 are canceled, and new claims 30-31 are added herein. Claims 2, 3, 7, 8, 12, 13, and 23-25 were previously canceled. With entry of this amendment, claims 1, 4-6, 9-11, 14-19, 22, and 26-31 will be pending.

### **II. Claim Rejections Under 35 U.S.C. 102 and 103:**

Claims 1, 4-6, 9-11, and 14-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5, 550,816 (Hardwick et al.). Claims 22 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick et al. Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick et al. in view of U.S. Patent No. 6,763,192 (Jagannathan).

The Hardwick et al. patent is directed to a method and apparatus for virtual switching. A management apparatus is coupled to each virtual switch to maintain information on an association between the plurality of data interfaces and the virtual switches. A processor is coupled to each virtual switch to insert a packet into an outgoing data stream on a data port to deliver the packet. The management apparatus limits each processor to only inserting a packet on another data port associated with the same virtual switch which received the particular packet.

Applicants note that in the Office Action dated March 17, 2005, the Examiner stated that Hardwick et al. do not teach allocating a portion of the processor time to each virtual switch and managing the allocated portion for each virtual switch.

In the Office Action dated August 24, 2005, the Examiner cites col. 9, lines 58-61 and col. 26, lines 36-51 of the Hardwick et al. patent as disclosing spreading processing load between two virtual switches. These sections of the patent describe an embodiment in which operations of a first virtual closed user group processor are divided between a first and second virtual switch. Applicant respectfully submits that Hardwick et al. do not disclose a virtual network manager that manages resources including processor time. Claim 1 has been amended to clarify that the manager is configured to reallocate resources between the virtual network elements. Hardwick et al. simply show dividing operations between two virtual devices and do not disclose managing processor time and reallocating processor time between virtual network elements.

Accordingly, claims 1, 6, 11, 16, 18, and 22, as amended, are submitted as patentable over Hardwick et al.

Claims 4-5 and 29-31, depending from claim 1, claims 9-10, depending from claim 6, claims 14-15, depending from claim 11, claim 17, depending from claim 16, claim 19, depending from claim 18, and claims 26-28, depending from claim 22, are also submitted as patentable for at least the reasons discussed above with respect to claims 1, 6, 11, 16, 18, and 22.

The other references cited, including Jagannathan, do not remedy the deficiencies of the primary reference.

### III. Conclusion:

For the foregoing reasons, Applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels

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that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Kaplan', with a long horizontal stroke extending to the right.

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